



U.S. Department of Justice

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DCP/JPL/JPM/GMM
F. #2012R01716

*271 Cadman Plaza East
Brooklyn, New York 11201*

October 13, 2020

FILED PARTIALLY UNDER SEAL

By ECF and Email

The Honorable Nicholas G. Garaufis
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. OZ Africa Management GP, LLC
Criminal Docket No. 16-515 (NGG)

Dear Judge Garaufis:

The government respectfully submits this letter in connection with efforts to provide restitution to victims of defendant OZ Africa Management GP, LLC in the above-referenced matter. As the parties indicated to the Court in their letter dated October 2, 2020, see Dkt. No. 105, the parties have been in the process of finalizing a list of victims submitting restitution claims and resolving any outstanding issues prior to sentencing.

The parties can now confirm that each of the issues raised in the October 2, 2020 letter have been resolved. The government has resolved all issues regarding the appropriate number of shares subject to restitution as has the dispute between claimants over the restitution claims for a specific set of shares. In addition, the government has compiled a final list of victims who qualify for restitution. The government has provided that list to counsel for the defendant and the Identified Victims, who have each agreed that the final list of victims is accurate and ready for submission to the Court. Accordingly, attached under seal as Exhibit A, is the final list of victims and the number of shares, options or warrants of Africo stock that each victim owned that qualify for restitution. In total, the government is submitting to the Court for approval restitution claims comprising approximately \$134,826,000, including over \$1.8 million for victims identified by the government since August 2020.

Because all outstanding issues are resolved and the government has submitted an agreed-upon list of victims, the parties respectfully request that the Court schedule

sentencing on October 15, 2020 or as soon thereafter as the Court is available. As previously indicated, the Parties all consent to having the sentencing proceed via videoconference and are available this week or next, at the Court's convenience. Finally, the government and counsel for the Identified Victims are in a position to notify each of the victims, by electronic mail, of the sentencing date and time. Accordingly, each victim will be given ample notice to participate in sentencing by videoconference.

The government respectfully requests that the Court seal Exhibit A to this submission. The defendant and counsel to the Identified Victims agree to this request. Exhibit A contains the names of each victim and the amount of restitution that each is entitled to receive, information that is highly personal and should be sealed to protect the privacy interests of the third-party victims. See United States v. Amodeo, 71 F.3d 1044, 1050-51 (2d Cir. 1995) (privacy interests of third parties may be compelling reason justifying sealing); see also 18 U.S.C. § 3771(a)(8) (establishing a crime victim’s “right to be treated with fairness and with respect for the victim’s dignity and privacy”) (emphasis added).

Respectfully submitted,

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cc: Clerk of the Court (NGG) (by ECF)
All Counsel of Record (by ECF)